

## **REMARKS/ARGUMENTS**

This communication is in response to the Final Office Action dated January 6, 2009. Claims 1 and 12 have been amended. No new matter has been added. Claims 1-16 remain pending in this application with claims 1 and 12 being the only independent claims. Reconsideration is respectfully requested.

### **Prior Art Rejections**

Claims 12-14 are rejected under 35 U.S.C. §102(e) as being anticipated by Laumen et al. (U.S. Patent Application Publication No.: 2003/0086438).

Claims 1-8 and 10-16 are rejected under 35 U.S.C. §103(a) as obvious over Laumen et al. in view of Gabriel et al. (U.S. Patent Application Publication No.: 2004/0082348)

Claim 9 is rejected under 35 U.S.C. §103(a) as obvious over Laumen et al. and Gabriel et al. in view of Ala-Luukko et al. (U.S. Patent Application Publication No.: 2003/0064706).

Applicant respectfully traverses the prior art rejections for the reasons discussed in detail below.

### **Independent Claim 1**

Independent claim 1, as amended, specifies “wherein the e-mail is transmitted from a sender via a polled e-mail server to the recipient” and that “the e-mails are forwarded from the polled e-mail server to a specially configured push mail server.”

The Examiner maintains that RSA 2 reads on the claimed “e-mail server”, while RSB 12 reads on the claimed “push mail server.” {January 6, 2009 Final Office Action: p. 3, ll. 1-2} Applicants respectfully disagree. These two elements (e.g., RSA and RSB) represent the same type of element, i.e., both are MMS Relay/Servers. Since both of these elements represent the same type of component (e.g., MMS Relay/Server) one cannot represent a polled e-mail server

while the other represents a push mail server. To the contrary, both RSA and RSB represent two push mail servers. Accordingly, Laumen et al. fails to disclose or suggest “a polled e-mail server.”

Independent claim 12 is the apparatus counterpart of method claim 1 and thus patentable over the prior art of record for similar reasons to those described above with respect to claim 1.

### **Dependent Claim 2 and 15**

Claim 2 states “a subscriber account is established for each subscriber on the push mail server, the subscriber account including at least the telephone number of at least one telecommunication terminal and the original e-mail address of the recipient.” (emphasis added) In Laumen et al. there is no disclosure or suggestion for creating such an account including both pieces of information. There is no need or motivation to create such an account based on the two pieces of information since both service providers are MMS service providers. The Examiner acknowledges that Laumen et al. fails to disclose this limitation but relies on Gabriel et al. as a secondary reference to teach this feature. Gabriel et al. discloses “To use this feature of the system a user can create a regular SMS message in the user’s email program, and addresses the message to the desired recipient’s telephone number at the management server’s address (recipient’snumber@managementserver.com).” [Paragraph 0233] Thus, in Gabriel et al. the user themselves must address the message to the desired recipient’s telephone number at the management server’s address, whereas in the present claimed invention this function is performed by the push mail server based on the subscriber account. All the user is required to supply with the e-mail message is the recipient’s e-mail address. Therefore, there is no teaching or suggestion in either Laumen et al. or Gabriel et al. for a subscriber account being established for each subscriber on a push mail sever, wherein “the subscriber account including at least the telephone number of at least one telecommunication terminal and the original e-mail address of the recipient,” as found in claim 2.

Addressing the Examiner’s remarks in the January 6, 2009 Final Office Action, the Examiner maintains that Gabriel et al. discloses a subscriber account including a telephone number (recepient’snumber@managementserver.com)[0233] and that “a user’s account can

also be set up to receive SMS messages via email.” [0234] Accordingly, Gabriel et al. discloses the account being based on either the telephone number or the e-mail address, but not both, as called for in claim 2.

Claim 15 contains a limitation similar to that found in claim 2 and thus is patentable over the prior art of record for at least the same reasons discussed above with respect to claim 2.

#### **Dependent Claim 5**

Claim 5 calls for “wherein the push mail server is connected to the MMS or WAP push systems of the employed telecommunication network.” The Examiner maintains that MMS Relay/Server RSB reads on the claimed “push mail server.” The MMS Relay/Server RSB is in fact part of the MMS push system rather than connected to the push system.

For the foregoing reasons, Applicant submits that the claims are patentable over the prior art of record and passage of this application to issuance is therefore requested.